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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/842,195	04/26/2001	Anthony Irwin	TPP 30866A	5423		
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STEVENS, DAVIS, MILLER & MOSHER, L.L.P.			EXAMI	EXAMINER		
Suite 850 1615 L Street, P	N.W.	PADEN, CAROLYN A				
Washington, DC 20036			ART UNIT	PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Caraby A Paden	-13			Applicati	nN.	Applicant(s)					
Carolyn A Paden The MALLING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than thity (30) days, a reply within the etitutory minimum of theiry (30) days, and specified above is less than thity (30) days, a reply within the etitutory minimum of theiry (30) days, and specified above is less than thity (30) days, a reply within the etitutory minimum of theiry (30) days, and specified above is less than thity (30) days, a reply within the etitutory minimum of theiry (30) days, and specified above is less than thity (30) days, a reply within the etitutory minimum of theiry (30) days, and specified above is less than this (30) days, and specified above is less than this (30) days, and specified above is less than this (30) days, and specified above is less than this (30) days, and specified above is less than this (30) days, and specified above is less than this (30) days, and specified above is less than this (30) days, and specified above is less than this (30) days, and specified above is less than this (30) days, and specified above is less than this (30) days, and specified above is less than this (30) days, and specified above is less than this (30) days and specified above is less than this (30) days, and specified above is less than this (30) days and specified above is less than this (30) days and specified above is less than this (30) days and specified above is less than this (30) days and specified above is less than this (30) days and specified above is less than this (30) days and specified above is less than this (30) days and specified above is less than this (30) days and specified above is less than this (30) days and specified above is less than this (30) days and specified above is less than this (30) days and specified above is less than this (30) days and specified above is l		A 241		09/842,1	95	IRWIN ET AL.					
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Applicant's election with traverse of Group I in Paper No. 7 is acknowledged. The traversal is on the ground(s) that Groups I and II can be searched without undue burden because the claims overlap with one another. This is not found persuasive because Group I does not require any particular packaging. These claims do not require an additional search in the packaging area at all.

The requirement is still deemed proper and is therefore made FINAL.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lee (5,562,938).

Lee discloses fully cooked rice and pasta that is acidified to a pH of 4.0 to 4.6 (column 3, lines 38-50). In one of the embodiments, a second component is described that is either not packaged or is packaged by a separate means (column 6, lines 53-57). At column 5, lines 10-22 the

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concept of providing a second container that provides an alkaline neutralizing agent which will raise the pH of the starch food stuff to a pH of 5-7. At column 6, a line 39-51, the inclusion of a sauce (such as cheese or egg/cream) is described which can be combined with the pasta. The concept of adding alkaline neutralizing ingredients is also described. The pH of the sauce would fall within the range set forth in the claims, particularly when it is mixed with pasta.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn A Paden whose telephone number is 703-308-3294. The examiner can normally be reached on Monday to Friday from 7am to 3:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

GROLYN PADEN 1-15-03
MARY EXAMINER
GROUP 1300-1761